

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IRON WORKERS' LOCAL 25,
PENSION FUND, *et al.*

Civil Case No. 08-13074

Plaintiffs,

HON. SEAN F. COX
United States District Judge

v.

SOVA STEEL, INC. and ALEX M.
SOVA,

Defendants.

ORDER DENYING PLAINTIFFS' REQUEST FOR ENTRY OF JUDGMENT [Doc. No. 38]
AND GRANTING PLAINTIFFS' MOTION TO CORRECT RECORD [Doc. No. 43]

Plaintiff Iron Workers' Local 25 Pension Fund *et al.* ("the Plaintiffs") filed this action against Defendants Sova Steel, Inc. ("Sova Steel") and Alex M. Sova ("Sova") on July 16, 2008. On November 18, 2009, the Court granted the Plaintiffs' motions for summary judgment and to amend complaint [*See* Doc. No. 35]. The matter is currently before the Court on the Plaintiffs' motion to correct record [Doc. No. 43]. The Court declines to hear oral argument pursuant to E.D. MICH. L.R. 7.1(f)(2). For the reasons below, the Court **GRANTS** the Plaintiffs' motion to correct record [Doc. No. 40], and will **ORDER** that a new judgment be submitted by the Plaintiffs for the Court's signature.

ANALYSIS

In the Court's November 18, 2009 Opinion & Order [Doc. No. 35], the Court granted the Plaintiffs' motions for summary judgment [Doc. Nos. 14, 17], and allowed the Plaintiffs to amend their complaint to bring additional causes of action against other parties. The Court also

ordered the Plaintiffs to submit a proposed judgment “calculating interest and penalties up to the present date.” [Doc. No. 35, p.14].

On November 30, 2009, the Plaintiffs filed their “Request for Entry of Court Order” [Doc. No. 38], seeking entry by the Court of a judgment against the Defendants in the amount of \$211,464.94. However, on December 3, 2009, the Plaintiffs filed their instant “Motion to Correct Record” [Doc. No. 43]. In that motion, the Plaintiffs concede that their auditor neglected to credit \$6.90 to the Defendants’ account, and that this amount had been concluded in the Plaintiff’s prior request for entry of judgment.

The Defendants argue that this \$6.90 oversight - by any calculations *de minimis* considering the total amount involved in this lawsuit - warrants the Court setting aside the *entirety* of the Court’s November 18, 2009 Opinion & Order, and setting this case for trial. [See Doc. No. 48, p.11]. The Court disagrees, and instead will simply **DENY** the Plaintiffs’ prior request for entry of judgment [Doc. No. 38], and **GRANT** the Plaintiffs’ motion to correct the record [Doc. No. 43]. The Defendants’ arguments to the contrary are without merit.

CONCLUSION

For the reasons explained *supra*, the Court **DENIES** the Plaintiffs’ request for entry of judgment [Doc. No. 38], **GRANTS** the Plaintiffs’ motion to correct record [Doc. No. 43], and **ORDERS** the Plaintiffs to file another proposed judgment calculating damages, interest and

penalties to date.

IT IS SO ORDERED.

s/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: August 10, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 10, 2010, by electronic and/or ordinary mail.

s/Jennifer Hernandez

Case Manager